

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION (L) NO. 7379 OF 2021
IN
COMMERCIAL IP SUIT NO. 97 OF 2021
WITH
LEAVE PETITION NO. 85 OF 2021
IN
COMMERCIAL IP SUIT NO. 97 OF 2021**

Ajanta Pharma Limited ...Plaintiff
Versus
Cotec Healthcare Private Limited & Anr ...Defendants

ARUN
RAMCHANDRA
SANKPAL

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ARUN
RAMCHANDRA
SANKPAL
Date: 2021.03.25
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**Mr Rashmin Khandekar, with Mr Ashutosh Kane, Ms Akshata
Kamath & Ms Paulome Mehta, i/b WS Kane & Co, for the
Plaintiff.
N Arora, for Defendants Nos. 1 and 2.**

**CORAM: G.S. PATEL, J
DATED: 24th March 2021**

PC:-

1. The following order is by consent.
2. By consent the Clause XIV Petition is made absolute.

3. The Defendants are represented. Their Advocate on instructions submits to a decree in terms of prayer clauses (a) and (b). Mr Khandekar has instructions not to press prayer for damages in terms of prayer clause (c).

4. The Defendant makes a statement that from 2019, the Defendant has not used the rival packaging or mark in any form whatsoever. The statement is noted and accepted as an undertaking to the Court.

5. The Commercial Suit is disposed of in these terms.

6. Drawn up decree dispensed with.

7. Interim Application does not survive and is disposed of accordingly.

8. Court Fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

9. The vakalatnama on behalf of the Defendants is to be filed in the Registry within one week from today.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)